

REMARKS

Currently, claims 1-31 are pending. Applicants have cancelled claims 1-20, 22-26 and 31 as being drawn to the non-elected invention. Applicants have also cancelled claims 29 and 30 without prejudice. Applicants have amended claim 31 to depend from claim 21, and have added new claims 32-60. No new matter has been added.

The Office Action states that Applicants are required to elect a single invention from the following groups to which the claims must be restricted

Group I, claims 1-19, drawn to a gene cassette comprising a combination of genes which are able to direct the synthesis of mycaminoses or angolosamines and to direct its subsequent transfer to an aglycone or pseudoaglycone, and a method of producing erythromycins and azithromycins which contain either mycaminoses or angolosamines at the C-5 position comprising transforming a strain with said gene cassette;

Group II, claims 20, 22-26, 31, drawn to a compound according to formula I; or

Group III, claims 21, 27-30, drawn to a compound according to formula II.

In response to this restriction requirement, Applicants hereby elect the invention of Group III, claims 21 and 27-30, without traverse.

Applicants are also required to select a single species from elected invention, to which the claims shall be restricted if no generic claim is finally held to be allowable.

In response to the election of species requirement, Applicants hereby elect the species wherein R¹ is C₂H₅; R², R⁴, R⁵, R⁶, R⁷, and R⁹ are CH₃; R³ is OH; R⁸ is angolosamine; and R¹³, R¹⁴, and R¹⁵ are H for prosecution. Applicants respectfully submit that claims 21, 27, and 31-60 read on the elected species. Applicants respectfully submit that claims 21, 27, and 31-59 are generic.

Applicants understand that upon the allowance of a generic claim, Applicants will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR §1.141.

The concerns of the Examiner addressed in full, Applicants respectfully request the examination of the present application and the issuance of a Notice of Allowance forthwith. Applicants encourage the Examiner to direct any questions regarding this application to the undersigned, who may be contacted at (919) 483-9024.

Respectfully submitted,

/J. MICHAEL STRICKLAND/

J. Michael Strickland
Attorney for Applicants
Reg. No. 47,115

Date: January 14, 2010
Customer No. 23347
GlaxoSmithKline
Corporate Intellectual Property
Five Moore Drive, P.O. Box 13398
Research Triangle Park, NC 27709-3398
Telephone: (919) 483-9024
Facsimile: (919) 483-7988